

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GOVERNMENT'S SECOND ASSENTED TO MOTION TO EXCLUDE TIME

Defendant Todd Shays ("Shays") is currently charged by way of a criminal complaint with possession of a controlled substance - to wit, cocaine, in violation of Title 21, United States Code, Section 844(a). The United States respectfully moves, pursuant to 18 U.S.C. §3161(h)(8)(A) and Section 5(c)(1)(A) of the Plan for the Prompt Disposition of Criminal Cases of the United States District Court for the District of Massachusetts, that this Court enter an order that a period of sixty-two (62) days, from March 4, 2004 (expiration date of court's previously entered order on exclusion of time), to and including May 5, 2004, be excluded under the Speedy Trial Act from calculation of the time within which an indictment or information must be filed under 18 U.S.C. §3161(b).

As grounds therefor, the United States states that preliminary discussions between the defendant and the government have been on-going in an effort to resolve this criminal proceeding by agreement of the parties, and that it is hoped that

the additional time requested herein will permit the parties to reach an agreement before the government is required or inclined to seek an indictment.

WHEREFORE, the United States respectfully requests, under 18 U.S.C. §3161(h)(8)(A), and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice served by granting the requested exclusion of sixty-two (62) days outweigh the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude sixty-two (62) days in computing the time within which an information or an indictment must be filed under 18 U.S.C. §3161(b).

The defendant, by and through his attorney, Edward P. Ryan, Esq., O'Connor & Ryan, P.C., 61 Academy Street, Fitchburg, MA 01420, has expressed his assent to the allowance of the within motion.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Antoinette E.M. Leoney
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Dated: March 1, 2004

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
March 1, 2004

I, Antoinette E.M. Leoney, Assistant U.S. Attorney hereby certify that I have caused a true copy of the forgoing to be served by hand upon defense counsel, Edward P. Ryan, Esq., of O'Connor & Ryan, P.C., 61 Academy Street, Fitchburg, MA 01420

/s/ Antoinette E.M. Leoney
Antoinette E.M. Leoney
Assistant U.S. Attorney